

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

ALL ACTIONS

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**CLASS PLAINTIFFS' MOTION FOR AN ORDER APPROVING
THE FORM AND MANNER OF CLASS NOTICE**

Pursuant to Fed. R. Civ. P. 23(c)(1)(B), plaintiffs move this Court for an order approving the form and manner of class notice.

The proposed forms of notice are attached to the accompanying Declaration of Steve W. Berman and the method of notice is described in the Affidavit of Katherine Kinsella.

This matter is set for hearing on June 5, 2006 at 9:00 a.m.

DATED: May 31, 2006.

By /s/ Steve W. Berman
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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on May 31, 2006, I caused copies of **CLASS PLAINTIFFS' MOTION FOR AN ORDER APPROVING THE FORM AND MANNER OF CLASS NOTICE** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman

Steve W. Berman